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Citation for published version:

Bachmann, J & Hoenke, J 2010, 'Peace and Security' as Counterterrorism? The Political Effects of Liberal Interventions in Kenya', *African Affairs*, vol. 109, no. 434, pp. 97-114. <https://doi.org/10.1093/afraf/adp069>

Digital Object Identifier (DOI):

[10.1093/afraf/adp069](https://doi.org/10.1093/afraf/adp069)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Peer reviewed version

Published In:

African Affairs

Publisher Rights Statement:

© Bachmann, J., & Hoenke, J. (2010). 'Peace and Security' as Counterterrorism? The Political Effects of Liberal Interventions in Kenya. *African Affairs*, 109(434), 97-114. 10.1093/afraf/adp069

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“PEACE AND SECURITY” AS COUNTERTERRORISM?

THE POLITICAL EFFECTS OF LIBERAL INTERVENTIONS IN KENYA

Jan Bachmann and Jana Hönke

ABSTRACT

This article analyses the merging of development and security in Western policies vis-à-vis “deficient” states in the global south, looking at the social life of anti-terror policies in Kenya. The attacks on September 11, 2001 renewed the interest in strong and stable states, leading many donors to focus on capacity building and security sector reform. In Kenya, the repressive use of these new powers by the Kibaki government has created significant resistance and the main external actors have taken the local opposition into account and have adapted their anti-terror agendas by complementing hard security assistance with soft interventions aiming at addressing local issues such as conflict prevention and development in communities perceived as being ‘at risk’ of harbouring terrorists. Representing a more general shift in security interventions in Africa, countering terrorism is now presented as part of a broader ‘peace and security’ agenda, but despite using new methods to engage with so-called crucial parts of the population, this is not a paradigm shift. Despite the different approaches and objectives, the various projects have ambiguous effects and donors have not abandoned the traditional rationality which privileges homeland protection over civil rights in the recipient country.

IN WESTERN FOREIGN-POLICY DISCOURSE, 'DEFICIENT' STATES HAVE SINCE THE 1990s come to be seen as a major problem.¹ This view was reinforced by the terrorist attacks of 11 September 2001 which made counterterrorism an important area of transnational policing in the sense that risks to national security are addressed abroad.² Traditional policy approaches towards developing countries have thus been modified to combine diplomacy, defence and development in addressing weak state capacities and instability in otherwise marginalized regions.³

The academic debate is only slowly coming to terms with this new concurrence of development and security strategies beyond the more prominent battlefields of the so-called war on terror in Afghanistan and Iraq⁴, and not much is known about how this trend in anti-terror policies affects African societies.⁵ Focusing on Kenya and the three main supporters of

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1. The term deficient states is used synonymously with fragile states and subsumes the labels weak, failing, and failed states as well as 'states at risk' used for representing African states since the 1990s. See Pinar Bilgin and Adam David Morton, 'Historicising representations of "failed states": Beyond the cold-war annexation of the social sciences', *Third World Quarterly*, **23**, 1 (2004), pp. 55-80.

2. Didier Bigo, 'Globalized (in)security: The field and the ban-opticon', in Didier Bigo and Anastassia Tsoukala (eds), *Terror, Insecurity and Liberty. Illiberal practices of liberal regimes after 9/11* (Routledge, London, 2008), pp 10-48. See also Peter Andreas and Ethan Nadelmann, *Policing the Globe* (Oxford University Press, Oxford, 2006), pp. 189-217.

3. Mark Duffield, *Development, Security and Unending War: Governing the world of peoples* (Polity, Cambridge, 2007).

4. See for instance Lars Buur, Steffen Jensen and Finn Stepputat (eds), *The Security-Development Nexus. Expressions of sovereignty and securitization in Southern Africa* (HSRC Press, Cape Town, 2007); Robert Picciotto and Rachel Weaving (eds), *Security and Development. Investing in peace and prosperity* (Routledge, London, 2007); Stewart Patrick and Kaysie Brown, *Greater than the Sum of its Parts? Assessing 'whole of government' approaches towards fragile states* (International Peace Academy, New York, 2007).

5. For exceptions see Julia M. Eckert (ed.), *The Social Life of Anti-Terrorism Laws. The war on terror and the classifications of the 'dangerous other'* (Transcript, Bielefeld, 2008); Jeremy Keenan, 'Waging war on terror: The implications of the new US imperialism for Saharan peoples', *Journal of North African Studies*, **10**, 3/4 (2005), pp 619-647. The scope of the problem has led the major international human rights organisations to set up special sections on the implications of counterterrorism activities on human rights:

the country's counterterrorism strategy -the US, the UK and Denmark- this article first contextualizes the recent counterterrorism engagement within the history of liberal development and security interventions in Africa, and then scrutinizes the evolution of counterterrorism programmes and their effects on the Kenyan state and society. While the projects of the US, the UK and Denmark differ both in motivation and practice, they all emphasize the importance of a broader 'peace and security' agenda. By complementing a genealogy of Western security discourse and practices towards Africa with grounded research on reactions and strategies of appropriation of current security-related policies in Kenya, the article highlights the positive synergies which can be generated by integrating an international relations perspective into area studies and allows for investigation of an oft-neglected but important nexus: How do Western interventions affect local societies and how are these interventions shaped and appropriated by local politics?⁶ Through this approach the unclear effects of such projects can be comprehended in more detail and also put into global perspective. It shows how specific struggles within the donor-recipient relationship and micro-struggles can challenge and shape externally defined programmes, while a discourse-theoretical perspective accounts for shifts in how problems of international security are approached on a more structural level and how this, in turn, structures local politics.

The Kenyan case shows how relatively limited amounts of foreign assistance (as compared to what is spent in Afghanistan and Iraq) have significant political effects on the fabric of society. On the one hand, strategies concentrating on hard security assistance have enabled the government to expand its counterterrorism infrastructure, which in turn has been used for controversial security practices against sections of the population suspected to be prone to terrorist activities, namely the Muslim minority. On the other hand, these practices have

<http://www.hrw.org/en/category/topic/counterterrorism>, <http://www.amnesty.org/en/counter-terror-with-justice> (2 January 2009).

6. The field research includes 40 semi-structured interviews with representatives of foreign countries (diplomats, development officials, members of the military), of Kenyan human rights organisations and Muslim organisations as well as politicians and lawyers and was conducted between October and December 2007 and August and September 2008 in Nairobi and Mombasa.

mobilized opposition within Kenyan society and have also contributed to a rethinking of donor agendas where soft security and an engagement with civil society organizations are now accentuated. Even though stabilising states in the south to protect liberal order in the west resembles the rationality of cold war strategies, we argue that a significant change in the means of achieving this end has taken place. During the cold war, regime stability in the south was the exclusive goal and state institutions were the direct target of the superpowers. Today relevant communities are increasingly approached directly, as has become evident in new local participatory projects under the recent peace and security slogan. As part of this strategy, even foreign military actors engage in development work with local communities, making the boundaries between development and security assistance harder to identify. Despite such differences in approach and objective, however, we argue that the projects have yet to abandon the traditional rationality according to which Western development and security interventions in 'deficient' states serve homeland protection and thus continue to prioritize stability over civil rights.

Liberal interventionism in deficient states

While in the middle of the 1990s deficient statehood was discussed as a root cause of internal conflict and a concern for international conflict prevention efforts, since 2001 it is increasingly considered to provide a breeding ground for terrorism.⁷ New cartographies of the periphery have emerged which represent deficient states as dangerous, not only to their citizens, but most of all, to Western states. As states that cannot control their territory are perceived as a security risk, Western governments have developed strategies that combine military interventions, building the capacities of recipient states' security forces, and

7. The following title is indicative: Tatah Mentan, *Dilemmas of Weak States: Africa and transnational terrorism in the twenty-first century* (Ashgate, Aldershot, 2004).

development programmes.⁸ While such integrated approaches had initially been promoted as means for a ‘developmentalization of security’ in the conflict prevention and peace building agenda of the 1990s, the perception of state fragility as a risk for security at home has turned this integration into the ‘securitization of development’.⁹

The recent securitization of foreign policy has led to an approach to the ‘third world’ that resembles that of the cold war: welfare agendas towards the south are subordinated to security considerations, and key allies have once more become the main beneficiaries of Western aid.¹⁰ However, these interventions have a new quality as hard security and general development interventions are supplemented by new security technologies of governing through empowerment, participation, and a new care for those parts of the population who are perceived by many donors to be susceptible to harbouring or recruiting terrorists. This trend is not only visible in “winning hearts and minds” campaigns in Iraq and Afghanistan, but seems to be operating in many deficient and strategically important states. Kenya is a case in point here, as the country is perceived to be critical for stability in the Horn and the East-African region.

During the cold war, the policies of the superpowers towards Kenya and the developing world more generally were guided by classical geopolitical concerns and put emphasis on stabilizing client states.¹¹ With the end of the cold war, however, many former clients lost their strategic status, and aid to African states was tied to economic and political

8. See Mark Duffield, *Global Governance and the New Wars. The merging of development and security* (Zed Books, London, 2001); Jana Hönke, ‘*Fragile Staatlichkeit und der Wandel der Afrikapolitik nach 1990*’ (Working Paper N° 70, Institute for African Studies, University of Leipzig, 2005).

9. For a concise discussion of securitization and developmentalization see Florian Kühn, ‘Equal opportunities: Exploring the turning point between securitization and developmentalization’ (paper presented at the 49th International Studies Association Annual Convention, San Francisco, CA, 26 March 2008).

10. See for a debate on the continuities to the cold war the special issue of *Third World Quarterly* on nation- and state-building 27, 1 (2006) and Jo Beall, Thomas Goodfellow and James Putzel, ‘Policy arena: On the discourse of terrorism, security and development’ *Journal of International Development* 18 (2006), pp. 51-67.

11. Christopher Clapham, *Africa in the International System* (Cambridge University Press, Cambridge, 1996). In US foreign policy, for example, the Horn of Africa used to be one of the regions traditionally perceived as a ‘key to regional stability’. While the main recipient of US military assistance, Ethiopia, turned into an ‘enemy’ after the Derg revolution in 1974, its neighbour Kenya proved to be a loyal partner and thus benefited immensely from US aid and military training. See Jeffrey A. Lefebvre, *Arms for the Horn. U.S. security policy in Ethiopia and Somalia 1953-1991* (University of Pittsburgh Press, Pittsburgh, 1991), pp. 95-131.

conditionalities. But while structural adjustment programmes aimed at downsizing the state and at strengthening market forces, academic narratives increasingly discussed institutional corruption, neopatrimonialism, and state decay.¹² The pendulum swung back in the middle of the 1990s when market reform was complemented with state capacity-building to counter instability and thus the crisis of governance to which the downsizing of states had contributed. Yet the economic and political conditionality of aid and a concern with aid effectiveness continued the practice of selectively cooperating with ‘good performers’, but excluding ‘poorly performing countries’.¹³

It was complex emergencies in some of these countries in the 1990s that made them an important security concern for Western states. Development and security policies merged into an agenda of conflict prevention and peacekeeping where stable states such as Kenya received new strategic importance as regional anchor states. Donors began supporting and promoting the building of national and regional peacekeeping forces, arguing that this would empower African states.¹⁴ Yet it was also an effort to ‘disaggregate’¹⁵ global peace and conflict management and shift the burden of implementation to the south. A problematic blurring of the lines between developmental and classical security instruments in the practice of reactive conflict management interventions soon became evident.¹⁶ This process intensified with regard to the functionality of development projects in the fight against terrorism.

12. See for instance William I. Zartman, *Collapsed States: The disintegration and restoration of legitimate authority* (Boulder, CO, Lynne Rienner, 1995). For an overview and a critical discussion of these developments see Ulf Engel, ‘*The African state - probing the failure of a social construction*’ (paper prepared for the workshop ‘Africa’s Big Dysfunctional States’, 21-23 November, Cadenabbia, 2002, mimeo).

13. Merilee S. Grindle, *Challenging the State. Crisis and innovation in Latin America and Africa* (Cambridge University Press, Cambridge, 1996); Rita Abrahamsen, *Disciplining Democracy. Development discourse and good governance in Africa* (Zed Books, London, 2000); Joanna Macrae et al., ‘Aid to “poorly performing” countries: A critical review of debates and issues’ (Overseas Development Institute, London, 2004), p. 10.

14. European Council, Council Decision 97/690/CFSP concerning the implementation of common position 97/356/CFSP ‘Conflict Prevention and Resolution in Africa’, 20 October 1997, G8: ‘Joint Africa/G8 Plan to Enhance African Capabilities to Undertake Peace Support Operations’, Annex to G8: Implementation report by African personal representatives to leaders on the G8 Africa Action Plan, Evian, 2003.

15. Hans-Henrik Holm, ‘A disaggregated world order in the making: Policy towards failed states as an example’, *International Politics*, **38**, 3 (2001), pp. 357-74, p. 363.

16. Victoria Wheeler and Adele Harmer, ‘Resetting the rules of engagement: Trends and issues in military-humanitarian relations’ (HPG Report 21, Overseas Development Institute, London, 2006); David Carment and

Even though the terrorist attacks of 11 September 2001 have not given rise to an entirely new way of thinking, it dramatically reinforced a perception of deficient states and so-called ungoverned spaces as harbouring security risks to Western societies. '[T]hreatened less by conquering states than [...] by failing ones',¹⁷ a minimal consensus emerged among Western governments that the failure and collapse of states produces 'obvious threats, such as organized crime and terrorism' and 'undermines global governance'.¹⁸ In a strategic move similar to the containment policies of the cold war, the new counterterrorism agenda associates policies aiming at tackling instability in the South with homeland protection and social cohesion in the North.

This securitization of African states has changed the resource allocation of many Western powers on the ground and has transformed Africa policies, especially towards allies in the "war on terror". As regards hard security assistance, the long-term trend of disengagement of Western militaries from Africa since the end of the cold war has been reversed.¹⁹ For example, the Combined Joint Task Force-Horn of Africa (CJTF-HoA), based in Djibouti comprises more than 2300 US personnel to fight terrorism and train African militaries in the Horn of Africa. In the perceived "ungoverned spaces" of the Sahel region, the US Trans-Sahara Counter-Terrorism Partnership seeks to expand the authorities' powers into regions which have a history of autonomy and have barely been controlled by a central state government before. Both anti-terrorism programmes have now been integrated into the new US Africa Command (AFRICOM) through which the Pentagon streamlines its military activities on the continent. In addition, governments of strategic importance, including the Kenyan

Albrecht Schnabel, *Conflict Prevention. Path to peace or grand illusion?* (United Nations University Press, Tokyo/New York, 2003).

17. US Government, 'National Security Strategy of the United States of America' (White House, Washington, DC, 2002), p. 1.

18. European Union, 'A secure Europe in a better world. European Security Strategy', Brussels, 12 December 2003, pp. 8f.

19. Rita Abrahamsen, 'Blair's Africa: The politics of securitization and fear', *Alternatives*, **30**, 1 (2005), pp. 55-80. See also Beall et al., 'Discourse on terrorism, security and development', pp. 54.

government, continue to benefit from bilateral programmes of military support and security sector reform.²⁰

Development assistance has also been reframed over the last decade, and now particularly addresses ‘difficult partnership countries’ and ‘low income countries under stress’ (LICUS). Countries that had earlier been sidelined in development assistance receive unprecedented attention to check ‘the proclivity of LICUS to become failed states and terrorist havens’.²¹ In addition, traditional development aid has been supplemented by soft security policies that target particular parts of the population such as the Kenyan Muslim minority. Fighting terrorism is presented as a function of peace and security and propagates a new role not only for foreign militaries, but also for the local population.²² This integration of development assistance into security policies raises a number of serious concerns. In the next section we turn to how this new approach has come about and how it plays out on the ground in Kenya.

Kenya: Donor strategies between development and countering terrorism

Although Kenya seems far away from the primary targets of current Western anti-terror interventions, it is perceived as a central strategic ally in the US counterterrorism efforts and one of several developing countries designated as ‘anchor states’ for regional stability.²³ The

20. Association of Concerned Africa Scholars, ‘The Politics of Africom’ (Washington DC, Association of Concerned Africa Scholars Washington DC, Bulletin 78, 2008). <http://concernedafricascholars.org/analysis/acas-bulletin-78-africom-special-issue/> (19 January 2009).

21. OECD/DAC, ‘Development Cooperation in Difficult Partnership’ (Note by the Secretariat, [DCD/DAC(2002)11/REV1], OECD, Paris, 2002), World Bank, ‘World Bank Group Work in Low-Income Countries Under Stress: A Taskforce Report’ (The World Bank, Washington, DC, 2002).

22. A prominent example is the remodelling of the US’s new foreign assistance framework in which counterterrorism and conflict-prevention projects are now part of the US foreign policy objective of ‘peace and security’, US Department of State, ‘Foreign Assistance Framework’ as of January 29 2007, <http://www.state.gov/documents/organization/115470.pdf>, 13 November 2008).

23. The National Security Strategy of 2002 established Ethiopia, Kenya, Nigeria and South Africa as anchor states for US security policies in Sub-Sahara Africa. Pakistan, the Philippines, and Uzbekistan are examples for other key regional allies in the “war on terror”. See, for instance, Donald Rothchild and Edmond J. Keller, *Africa-US Relations: Strategic encounters* (Lynne Rienner Publishers, Boulder, CO, 2006); Robert M. Hathaway, ‘Leverage and largesse: Pakistan’s post-9/11 partnership with America’, *Contemporary South Asia*, 16, 1 (2007), pp. 11-24; Shahram Akbarzadeh, *Uzbekistan and the United States: Authoritarianism, islamism, and Washington’s security agenda* (Zed Books, London, 2005).

country represents several reasons for the West to stay engaged: despite violent excesses in the aftermath of the 2007 general elections, Kenya used to be regarded as a more or less stable and reliable partner in development cooperation. At the same time, the country is seen as a weak state since the government lacks capacity and credibility in crucial areas such as internal security. Kenya has also suffered from terrorist violence – the 1980 bombing of the Norfolk Hotel, the 1998 attack on the US embassy in Nairobi as well as the attack on the Paradise Hotel in Kikambala in November 2002 – and is perceived as a potential safe haven for terrorist recruitment. External actors are also concerned with Kenya's relatively large (and in large parts marginalized) Muslim minority. Finally, it is located next to the 'failed state' Somalia, a fact that underlines Kenya's crucial strategic importance in the East African sub-region.²⁴

Kenya's anti-terrorism efforts receive external support mainly from the US, the UK, and the Danish government. While there are important similarities between the three donors, there are also key differences. The British counterterrorism strategy emphasizes civilian programmes targeting crucial parts of the population in order to 'prevent the radicalisation of individuals'.²⁵ The Danish liberal-conservative government elected in 2001 stresses the need to realign Danish development, foreign and security policy objectives. The government not only links state fragility to terrorism but shortly after its election made the fight against terrorism one pillar of its development agenda.²⁶ Denmark emphasizes its comparative advantage of soft interventions and does not provide bilateral military assistance or training to Kenya. By contrast, the US mainly relies on military instruments in combating terrorism and stabilizing

24. Raymond Muhula, 'Kenya and the global war on terrorism', in John Davis (ed.), *Africa and the War on Terrorism* (Ashgate, Aldershot, 2007), pp. 43-60.

25. Her Majesty's Government, 'Countering International Terrorism: The United Kingdom's Strategy' (Her Majesty's Government, London, 2006); Foreign and Commonwealth Office (FCO), 'Global Opportunities Fund, Annual Report 2006/2007' (FCO, London, 2008).

26. Royal Danish Ministry of Foreign Affairs (RDMFA), 'Principles governing Danish development assistance for the fight against the new terrorism' (RDMFA, Copenhagen, 2004); RDFMA/Danida, 'A World of Difference. The Government's Vision for New Priorities in Denmark's Development Policy' (RDFMA/Danida, Copenhagen, 2003), p. 2.

states, supplemented by a democratization agenda.²⁷ Compared to the UK and Denmark, US programmes are also more clearly driven by homeland security concerns and the development agency USAID has relatively little influence on these imperatives.²⁸

The anti-terrorism agenda is an important part of the Kenya policy of these donors. Each of them is involved in one or more of the following strategies: (1) granting hard security assistance to state security forces, (2) providing legal advice on anti-terrorism legislation, and (3) engaging with crucial parts of the population on soft security issues. The case of Kenya shows how combining these strategies inevitably produce incessant contradictions.

To begin with the hard security assistance, Kenyan state security institutions have continued to receive considerable assistance from the US in order to enable them 'to meet their legitimate defence needs'.²⁹ US foreign policy towards 'anchor states' such as Kenya has primarily concentrated on transforming national security institutions including the military, the police, intelligence services, and border patrols into more robust units. The US military runs a 'Contingency Operating Location' on the island of Lamu from which special counterterrorism operations into Somalia were launched during the crackdown on the Islamic Courts Union at the end of 2006.³⁰ With funding provided by the \$100 million US East African Counter-Terrorism Initiatives and the Anti-Terrorism Assistance Programme, in 2003 and 2004 the Kenyan government established the Anti-Terrorism Police Unit and the National

27. Macharia Munene, 'Human rights and democracy in contemporary global security promotion as a goal of US foreign policy: African responses', in Makumi Mwagiru and Okello Oculi (eds) *Rethinking Global Security: An African perspective* (Heinrich Böll Foundation, Nairobi, 2006) pp. 40-60. See also fn 22.

28. See for instance Patrick and Brown, *Greater than the Sum of its Parts?*, 31-55.

29. US Department of State, 'Kenya: Security Assistance' (US Dep. of State, Washington, DC, 2007). In 2007 the US delivered weapons worth \$2.5 million within the Foreign Military Sales Programme to Kenya. Additionally, Kenya is expected to receive \$3.1 million for acquiring weaponry from U.S. suppliers within the commercial 'Direct Commercial Sales' Programme. See Daniel Volman, 'U.S. military activities in Kenya' (Association of Concerned Africa Scholars, Washington, DC, 2008).

30. See 'The Americans have landed', *Business Daily* (Nairobi) 20 July 2007, pp. 16-17; 'African Command: American military's new frontier', *Business Daily* (Nairobi) 23 July 2007 pp. 16-18; 'U.S. airstrike aims at Qaeda cell in Somalia', *New York Times*, 9 January 2007, p. A3; 'U.S. used base in Ethiopia to hunt al Qaeda', *New York Times*, 23 February 2007, <http://www.nytimes.com/2007/02/23/world/africa/23somalia.html> (17 January 2009).

Counter-Terrorism Centre.³¹ The UK's assistance to enhance Kenya's control capacity at the Somali border also fits into the strategy of hard security: through the Foreign and Commonwealth Office's Global Opportunities Fund, the Administration Police have received communication hardware and operations training in order to 'limit infiltration' of militants.³² Additionally, the British military has been involved in training special counterterrorism forces in Kenya, but this training had to be stopped in 2008 due to claims that the Kenyan unit took part in human rights violations against locals in the Mt Elgon conflict. The training was part of the larger 'Operation Monogram' in which the UK trains forces of countries in which terrorist activities are suspected including Yemen, Morocco and Ethiopia.³³

As a second strategy donors provide legal advice and training in matters of counter-terrorism to the judiciary, law enforcement agencies and intelligence services. This includes, *inter alia*, advising the government on anti-terrorism legislation, conducting workshops on disaster prevention, and awareness-raising about terrorism. The UN Counter-Terrorism Committee provides funds and expertise to assist states in complying with UN Security Council resolution 1373 (2001) which obliges all member states to criminalize terrorist acts.³⁴ This strategy is applied by the joint UNDP/UNODC-facilitated project 'Strengthening Counter-Terrorism Capacity for a Safer Kenya' and is funded by the Danish government.³⁵ The core objective of the project was the passing of an anti-terrorism bill.

The third strategy concentrates on soft security and assumes a close relationship between poverty and terrorism. As part of this, donors now increasingly link development aid with

31. Volman, 'U.S. military activities in Kenya'; see also Beth Elise Whitaker, 'Reluctant partners: Fighting terrorism and promoting democracy in Kenya' *International Studies Perspectives* 9, 3 (2008) p. 257.

32. Foreign and Commonwealth Office, 'Global Opportunities Fund. Annual Report 2006-2007' (FCO, London, 2008), p 26.

33. 'Trained in terror', *The Guardian* (London), 30 July 2008. <http://www.guardian.co.uk/commentisfree/2008/jul/30/kenya.terrorism> (18 January 2009); 'Britain to stop training Kenyan soldiers after insurgency crushed', Channel 4 News (London), 28 July 2008. http://www.channel4.com/news/articles/politics/international_politics/britain+to+stop+training+kenyan+soldiers+after+insurgency+crushed/2363667; (18 January 2009).

34. Background statement of the UN Counter-Terrorism Committee. <http://www.un.org/sc/ctc/> (2 January 2009).

35. UNDP/UNODC, 'Strengthening counterterrorism capacities for a safer Kenya' (draft project outline, no date). Document on file with the authors. This is a \$1 million project implemented by the National Counterterrorism Centre and funded by the Danish Foreign Ministry running 2006-2009.

security programmes, working with non-state actors and targeting populations who are at risk of radicalisation. In a telling formulation of this, a report for the Danish Foreign Ministry recommended that poverty reduction should address the ‘constituencies of terrorism, with an emphasis on the deprived Islamic people and losers in the globalization process’.³⁶ With the announcement of spending DKK 145 million (approx. \$24 million) of Danish development assistance for fighting terrorism, in 2004 this proposition was solidified into official Danish policy. Denmark has also announced two initiatives to counter-act ‘religious radicalism’ in Africa – one of them in Kenya with a budget of DKK 15 million (approx. \$2.4 million) for a three year period.³⁷ The UK also pursues the approach of addressing Muslim groups, and drawing on the Global Opportunities Fund’s ‘Engaging with the Islamic World’ programme, until recently it supported community policing and a prisons reform programme in the Coast Province.³⁸ Similarly, the US has complemented its hard security assistance with a campaign in which the military carries out infrastructure projects in the Somali-Kenyan border region in order to win the trust of the local Muslim communities; since 2002 the anti-terrorism outlet Combined Joint Task Force-Horn of Africa (CJTF-HoA) has sent civil affairs teams to various communities to construct schools, dig wells and vaccinate cattle.³⁹

It is clear from this overview that even though Kenya’s three main donors in the field of counterterrorism have launched different strategies in reaction to the new parameters of international security after September 11, over time all have emphasized the relevance of social development programmes. In this way, traditional development arguments have played

36. Nordic Institute for Asian Studies/RDMFA, ‘Development cooperation as an instrument in the prevention of terrorism’ (Nordic Institute for Asian Studies/RDMFA, Copenhagen, 2003), p xi.

37. RDMFA/Danida, ‘Principles Governing Danish Development Assistance’. Amounts in US-Dollar are based on the exchange rate of February 2004 when the programme was announced.

38. Interview, British High Commission, Nairobi, Kenya, 2 September 2008. Recently, the British Foreign merged the formerly separate programmes ‘engaging with the Islamic world’ and ‘counterterrorism’ into the ‘counter-radicalization and counterterrorism programme’, sending a clear message on the terms of engagement to the ‘Islamic world’. It has also renamed the whole scheme: from ‘global opportunities’, an empowering message to the rest of the world, to ‘Strategic Programmes Fund’, where British interests are emphasized.

39. See Sarah Lischer, ‘Winning hearts and minds in the heart of Africa’, *Harvard International Review* (March 2007), <http://www.harvardir.org/articles/1481/> (31 December 2008) and Reuben E. Brigety II, ‘Humanity as a weapon of war. Sustainable security and the role of the US military’ (Centre for American Progress, Washington, DC, June 2008).

a role in countering terrorism, including assistance for Kenya's security sector, cooperation with the judiciary as well as projects targeting civil society organisations.

Using the anti-terrorism infrastructure: recent state security practices in Kenya

External policy blueprints and anti-terror programmes were met by different interests and resentments at the local level, by the Kenyan government and civil society and also by local staff in the embassies in Nairobi. Beth Whitaker calls the Kenyan government's relationship with the US on counterterrorism a 'reluctant partnership' in which the Kenyan government often criticizes US foreign policy publicly but cooperates behind the scene.⁴⁰ In the following section we discuss the various practices this 'partnership' has allowed for, and show their effects on the Kenyan society as well as reactions by local agents in civil societies and donor embassies.

One of the most controversial issues has been the effort to introduce an anti-terrorism bill which proved to be more than a mere legal affair.⁴¹ In fact, the debate on the Suppression of Terrorism Bill became a critical event for Kenya's state-society relations and has influenced the donors' approach in the country. Shortly after its historic victory in the 2002 elections the Kibaki administration presented the Suppression of Terrorism Bill to the Kenyan Parliament without any public consultation.⁴² Human rights organizations argued that several provisions in the bill would violate basic civil rights as guaranteed in the Kenyan Constitution. The main points of criticism were the broad definition of the term terrorism; the extensive powers given to the police to stop, search and detain people; incommunicado detention and immunity of

40. See Whitaker, 'Reluctant partnership', pp. 254-271.

41. For updates see the quarterly bulletins on 'counterterrorism and human rights' by the International Commission of Jurists, http://www.icj.org/article.php3?id_article=3513&id_rubrique=37 (19 January 2009).

42. Interview, Paul Muite, former MP and between 2002 and 2007 chair of the committee of the administration of justice and legal affairs, Nairobi, Kenya, 11 September 2008; Kenya Gazette Supplement 38, 'The Suppression of Terrorism Bill' (Government Printers, Nairobi, 30 April 2003).

state officials from prosecution. Additionally, the extensive power of the Minister for Internal Security to declare by decree an organization terrorist and the fact that being associated with a declared terrorist organization constitutes a crime have been questioned.⁴³ However, the clause that raised the most anger was the provision that a person may be arrested without a warrant 'who, in a public place wears an item of clothing [...] in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a declared terrorist organisation'.⁴⁴ The Muslim community feared that members might be arrested on the mere basis of their appearance as Muslim. After fierce opposition from parts of the public and key members of the parliament, the bill was withdrawn. A second draft, introduced in 2006, was also withdrawn despite pressure from abroad and internal interests to implement it.⁴⁵ In the end the government recognized that it could not get a majority vote.

However, some of its discriminatory provisions were nevertheless carried out in practice by the state security forces, even though the law had not been enacted.⁴⁶ Substantial criticism has been levelled at the Kenyan authorities, especially the Anti-Terrorism Police Unit (ATPU) due to its random actions and its lack of accountability.⁴⁷ In the words of one human rights activist:

The rationale of setting up and disbanding special units in this country seems to be about personal gains. They ask: What's in for us? As for the ATPU you can bribe your way out. The 'war on terrorism' provided a lot of goodies for the Kenyan security sector from outside: hardware, training, assistance. The police became quite enthusiastic about those things. To a certain extent ATPU is an amorphous institution, filled with secrecy and corruption.⁴⁸

43. Amnesty International, 'Memorandum to the Kenyan government on the Suppression of Terrorism Bill 2003' (Amnesty International, London, 2004); International Commission of Jurists-Kenya Section (ICJ), 'ICJ Eminent Jurist Panel on Terrorism, Counter-Terrorism and Human Rights. East African Regional Hearings' (ICJ, Geneva, 2006).

44. Kenya Gazette, 'The Suppression of Terrorism Bill'.

45. Interview, Muite, Nairobi, 11 September 2008.

46. Interview, Kenya National Commission on Human Rights, Nairobi, 21 November 2007.

47. Amnesty International, 'Kenya: The impact of 'anti-terrorism' operations' (Amnesty International, London, 2005).

48. Interview, Kenya National Commission on Human Rights, Nairobi, 21 November 2007.

Recent anti-terrorism practices have led to increasingly tense relations between the central government and the Muslim community.⁴⁹ Since the Kikambala bombings, arrests and raids have caused a climate of fear amongst Muslim communities, particularly amongst Somali communities and Muslims in the Coast Province as hundreds of people were illegally detained.⁵⁰

Another event that damaged the relations between the Kenyan Muslims and the government substantially was the invasion by Ethiopian forces into Somalia in December 2006, with the active backing of US forces operating from bases in Ethiopia and Kenya. The US sent a special operations unit to Ethiopia and Kenya in the hope of tracking al-Qaeda militants amongst the refugees.⁵¹ Kenyan security forces then arrested at least 150 people from 18 different countries who were trying to enter Kenyan territory and transferred them to Nairobi, before flying at least 90 of them to Somalia and Ethiopia.⁵² The government of Kenya did everything possible to downplay the problem by denying that there were Kenyans amongst the deported, significantly exacerbating tensions with the Muslim population. It provoked the influential Muslim umbrella group National Muslim Leaders Forum at the height of the 2007 general elections campaign to publicly state their distrust in the Kibaki administration and to rally around opposition leader Raila Odinga. Odinga seized the opportunity and made public the names of 19 Kenyan Muslims amongst the deported.⁵³

49. Arye Oded, *Islam and Politics in Kenya* (Lynne Rienner, Boulder, CO, 2000); see for more recent accounts Rüdiger Seesemann, 'East African muslims after 9/11' (Bayreuth African Studies Working Paper 3, Institut für Afrikastudien, 2005).

50. Amnesty International, 'Kenya: The impact of 'anti-terrorism' operations on human rights'; International Commission of Jurists (ICJ), 'ICJ Eminent Jurist Panel on Terrorism'.

51. 'U.S. used base in Ethiopia to hunt Al Qaeda', *New York Times*, 23 February 2007. , <http://www.nytimes.com/2007/02/23/world/africa/23somalia.html> (17 January 2009).

52. Muslim Human Rights Forum, 'Horn of Terror' (Revised Edition, Nairobi, September 2008), Amnesty International, 'Horn of Africa: Unlawful transfers in the "war on terror"' (Amnesty International, London, 2007). Human Rights Watch, 'Why am I still here? The 2007 Horn of Africa renditions and the fate of those still missing' (Human Rights Watch, New York, October 2008), 'Michuki cleared on deportation', *Daily Nation* (Nairobi) 22 November 2007, p.16. At the beginning of October 2008 Ethiopia released eight Kenyan citizens. See 'Ethiopia frees Kenyan "Islamists"', BBC News, <http://news.bbc.co.uk/2/hi/africa/7652593.stm>, (4 October 2008).

53. 'Kenya Faces International Outcry over mass transfer of 'terrorists' to Ethiopia', *Sunday Nation* (Nairobi), 15 April 2007, pp.4-5; 'Muslim Lobbies Take Issue with Michuki's Deportation Denial', *The Standard* (Nairobi), 24 October 2007, <http://allafrica.com/stories/printable/200710231214.htm> (16 November 2007);

It is well known that in many African countries security institutions are more often than elsewhere an instrument for strengthening personal rule and are characterized by a culture of secrecy and impunity. Current donor policies may strengthen this propensity.⁵⁴ At the very least, the practices by Kenyan security institutions raise serious doubts about the priority given by international donors to strengthening state security sectors without a simultaneously strong focus on accountability and transparency.

Engaging communities in the “war on terror”

Although practices in the name of counterterrorism have deeply affected the relations between Muslims and the government, it also created a stronger cooperation between Muslim groups and the broader society. This political context has in turn been influential in widening the donors’ counterterrorism agenda, integrating crime and insecurity and supporting the projects of local non-state organisations and Muslim communities.

One illustration of the minority’s increasing national weight was the fight for the “Muslim vote” prior to the general elections in 2007, when a Memorandum of Understanding between Raila Odinga and the National Muslim Leaders Forum (Namlef) was signed. In the MoU, Muslim grievances against their treatment by the Kibaki administration were the key theme. Odinga, in turn, not only promised to fight for a fair representation of Muslims within Kenyan society but also promised an investigation against arbitrary anti-terrorism measures.⁵⁵

‘Raila releases a list of deported Muslims’, *Daily Nation* (Nairobi) 19 October 2007, http://www.nationmedia.com/dailynation/nmgcontententry.asp?category_id=1&newsid=108779 (16 November 2007).

54. Alice Hills, *Policing Africa. Internal security and the limits of liberalization*, (Boulder, CO: Lynne Rienner, 2000), Jana Hönke, ‘*Security Governance in Räumen begrenzter Staatlichkeit*’, *Aus Politik und Zeitgeschichte* (2/ 2009), pp. 15-21. In a critical account of the achievements of security sector reform Marina Caparini warns that too often ‘human rights concerns are subordinate to the requirements of improving military or internal security capacities’. Marina Caparini, ‘A response to Herbert Wulf’s paper’ (Berghof Handbook For Conflict Transformation, Dialogue 2, 2004, Berghof Research Centre for Constructive Conflict Management) www.berghof-handbook.net/uploads/download/dialogue2_caparini.pdf (19 January 2009).

55. See ‘Revealed: Raila’s real MoU with Muslims’, *Daily Nation* (Nairobi), 28 November 2007, p. 1.

At the same time, the broad opposition against the Suppression of Terrorism Bill has resulted in a better coordination between Muslim organizations and the (mainly non-Muslim) mainstream human rights community and in an increased professionalism to mobilize and to lobby for their rights.⁵⁶ Both Muslim and non-Muslim human rights groups are sceptical about ongoing security and counter-terrorist practices that are usually perceived as an externally driven agenda. Violations of hard-fought-for civil rights by the police and the illegal extradition of Kenyans are seen as symptoms of a wider malaise: that of secrecy and unaccountability of large parts of the state administration.⁵⁷

The new assertiveness, especially of Muslim human rights groups, is also reflected in the various encounters between Muslim groups and donors. All the major external actors involved in counterterrorism activities in Kenya have become keen to emphasize a developmental approach – offering legal assistance, raising awareness on counterterrorism and human rights, applying a broader notion of security, and, most of all, engaging with Muslim communities or local organizations in the country's predominantly Muslim provinces – even if for some donors this is only complementary to the traditional way of training state security institutions.

In this way, the counterterrorism of the years immediately after September 11 has been reframed into a 'peace and security' agenda that also includes a development element. However, while welcoming the donors' reorientation on how to counter terrorism, some groups remain cautious as to the donors' objectives.⁵⁸

In order to get a clearer picture of how the current security regime materializes and is being challenged or reinforced on the ground, it is crucial to look at agency both within foreign embassies and at the level of the organizations and communities amongst the recipients. The

56. This has been confirmed by several representatives from both sides. Interviews, representatives of different human rights organizations, Nairobi, 1 November 2007, 14 November 2007, 11 December 2007; representative Muslim umbrella organization, Nairobi, 7 December 2007; representative Muslim umbrella organization, Mombasa, 28 November 2007.

57. Ibid.

58. Interviews, representative human rights organization, Mombasa, 8 September 2008; representative Muslim organization, Mombasa, 9 September 2008.

protest against security practices in Kenya has had an impact on the re-modelling of some of the counterterrorism projects in this field, although clear results of those projects have yet to materialize.

The Danish bilateral project on counter-terrorism activities in Kenya was initiated by Copenhagen as part of the ambition to align development assistance and the fight against terrorism. At the same time, however, the Danish embassy in Nairobi was able to actively participate in designing the bilateral project on the ground. While trying to identify possible non-state partners, the fact finding mission was not only confronted with the question of whether the project should work exclusively with Muslim groups, but also by opposition from Muslim organizations who were reluctant to cooperate with Western donors under the label of counterterrorism.⁵⁹ Following these conflicts, the project was renamed ‘peace, security and development’ and now operates as a budget support to five local organizations (including Muslim, inter-faith and non-religious groups) working on a wide variety of issues including conflict prevention, inter-religious mediations, human rights trainings, local peace meetings, and youth empowerment.⁶⁰ The local partner institutions themselves praise the autonomy the Danish embassy allows them in pursuing their own activities rather than following pre-designed counterterrorism projects. The reformulation is celebrated as a victory by the partner organizations – interpreted as a proof that local NGOs have the space to determine the donors’ objectives and strategies. At the same time, increasing donor interest in this field allows local groups to jump on the “peace and security” bandwagon and collect the resources provided, which may have divisive effects as it affects intra-communal power relations.⁶¹

Despite the move towards engaging with local populations, addressing small-scale development, everyday crime and conflict resolution rather than focussing narrowly on

59. Interviews, Danish embassy, Nairobi 12 November 2007, 27 August 2008, 17 September 2008. Interviews, partner organizations of the Danish programme, Mombasa 26 November 2007, 9 September 2008.

60. Interview, Danish embassy, Nairobi, 17 September 2008; Repeated interviews with representatives of three of these organizations, Mombasa, 26-28 November 2007 and 8-9 September 2008; Nairobi, 12 September 2008.

61. These concerns were expressed by two senior representatives of Muslim organizations: Interviews, Nairobi, 7 December 2007; Mombasa, 9 September 2008.

terrorism, donors acknowledge their uncertainty about the impacts and long-term effects of their projects and draw different conclusions. The UK, for example, has not continued the cooperation on community policing and prisons reform with a Muslim group at the coast, as there were persisting doubts about impact and sustainability.⁶² Given the institutional weakness but strategic importance of most local partners of the Danish ‘peace, security and development’ project, the Danish embassy had to concentrate first on institutional support for the partners. While their activities are related to the very broad objective of contributing ‘to the promotion of a democratic Kenyan society, open to all ethnic and religious groups, as an attractive alternative to political violence’, doubts remain about the project’s success.⁶³

The US efforts to work with Muslim communities in Kenya are seen with great suspicion by the interviewed Muslim groups. CJTF-HoA’s small-scale development activities have evoked widespread criticism as until recently they did not consult with Kenyan stakeholders or other US government agencies. As one USAID official argued:

It was a disaster [...] the local population does not want to engage with the military, not with the Kenyan, leave alone with the US. Their perception is that the whole sector of foreign assistance has become a grey area, that aid becomes militarized, and that we are doing [are] ‘winning hearts and minds campaigns’ rather than development work.⁶⁴

The US government officially justifies the increased engagement of the army in local social development with the better resources and in-house capacity for infrastructure projects of the Pentagon.⁶⁵ Yet, a study by the military academy at West Point emphasises three strategic benefits in shifting the assistance from military operations to economic development in Kenya’s Coastal area:

62. Interview, British High Commission, Nairobi, 2 September 2008.

63. Interview, Danish embassy, Nairobi, 27 August 2008 and 17 September 2008.

64. Interview, US embassy, Nairobi, 26 August 2008.

65. Interview, US embassy, Nairobi, 13 December 2007.

First, it will increase intelligence on terrorist activities. Second, it will decrease the political costs Kenyan politicians pay for supporting U.S. counterterrorism priorities, and so increase their level of cooperation. Third, increased economic aid raises the cost to terrorists of providing social services as a buy-in mechanism for their larger goals.⁶⁶

Despite their differences in approach and activities the projects discussed above are the result of the Western concerns for homeland security. From a socio-economic perspective, a concern for local economic development and crime prevention in Kenya's coast province may be fully justifiable, but the more they are linked with the military and intelligence, the more likely they are to be met with resistance from local groups and this is why these initiatives often have ambiguous effects. In the case of more civilian projects such as the Danish and the British schemes, long-term local development objectives have to be weighed against rather short-term security objectives. In turn, in cases where such programmes are appropriated by local actors for their own interests, the projects' potential side effects such as shifting local power relations or aid dependency call for further empirical analysis.⁶⁷

Conclusion

Our analysis of recent liberal interventionism and of counterterrorism in Kenya shows how addressing risks to "homeland security" perceived to emanate from deficient states in Africa has further merged Western security and development policies. It demonstrates that current external state-building and the empowerment of state security institutions are appropriated for illiberal purposes. Demonstrating their adaptability to national and international dynamics such as strong local criticism of the state-centred counterterrorism policies, strengthening the

66. Combating Terrorism Center at West Point, 'Al-Qaeda's (Mis-)Adventures in the Horn of Africa', p 70.

67. See the critical literature on the effects of development aid: James Ferguson, *The Anti-Politics Machine. Development, depoliticization and bureaucratic power in Lesotho* (University of Minnesota Press, Minneapolis 1994), Graham Harrison, *The World Bank and Africa. The construction of governance states* (Routledge, London, 2004), David Mosse & David Lewis, *The Aid Effect. Giving and governing in international development* (Pluto, London, 2005).

security capacities of the Kenyan state through counterterrorism assistance has thus been complemented with an engagement with local groups in Muslim-dominated regions under the new label of peace and security. This label now spans projects involving counterterrorism, counterinsurgency, conflict prevention, and local welfare projects. As the history of merging development and security interventions points to the ambiguous motivations and effects of such policies, a closer scrutiny of the manifestations of the donors' new agenda is needed.

Contrary to perceptions of a monolithic securitized discourse, in Kenya local agents have had the ability to modify pre-designed agendas for these new developmental security projects. Many Muslim communities in the Coast region in Kenya, for instance, embrace the focus on everyday crime and socio-economic issues. However, our analysis has shown that if such an approach remains exclusively guided by the logic of combating risks to (Western) security abroad, it may produce unintended consequences.

Some external players are clear that intelligence-gathering and preventing terrorists from 'capturing' local populations are major motivations behind their new agenda of working with Muslim communities. The popular Field Manual 'Counterinsurgency' by the US Army, for instance, argues in favour of integrating 'host nation partners', particularly NGOs, on every planning level. It also demands the implementation of economic programmes (such as infrastructure) and stresses the need for personnel with 'region-specific knowledge'.⁶⁸

To shed light on the local dynamics of such global strategies, we argue for an approach that combines a discourse analysis of programmes and rationalities at the international level with field research on the social effects, the appropriation and contestation of such programmes at the local level. An analysis of micro-dynamics of power within developmental counterterrorism projects in Kenya has brought to the fore the possibilities for both embassy officials and local organizations to influence dominant programmes. In this context, however, future research has to engage more deeply with the functionality of development as

68. U.S. Army, 'Field Manual 3-24. Counterinsurgency' (Chicago, Chicago University Press, 2007), paragraphs 2-1 and 2-17 to 2-22.

counterinsurgency, and with the use of potentially emancipative development projects as new modes of governing populations.